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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CEDRIC CHESTER JOHNSON,
Plaintiff,
v.
CTF SOLEDAD STATE PRISON, et al.,
Defendants.

Case No. 16-cv-05548-MEJ (PR)

**ORDER GRANTING MOTION FOR
RECONSIDERATION AND
REOPENING ACTION**

Re: Dkt. No. 10

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983. Leave to proceed in forma pauperis was granted in a separate order. Following an initial review of the amended complaint, the case was dismissed for failure to state a cognizable claim for relief. Plaintiff has filed a motion for reconsideration.

Rule 60(b) provides for reconsideration where one or more of the following is shown: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial; (3) fraud by the adverse party; (4) the judgment is void; (5) the judgment has been satisfied; or (6) any other reason justifying relief. Fed. R. Civ. P. 60(b).

In its motion to dismiss, the Court found that plaintiff's allegation that defendants' refusal to give him a vision impaired test failed to state a claim for deliberate indifference to serious medical needs. In his motion for reconsideration, plaintiff correctly points out that the Court misread his allegations. Specifically, according to the amended complaint, defendants refused to give him a "vision impaired vest," not a "vision impaired test." Plaintiff has shown good cause for reconsideration based on mistake by the Court. Accordingly, the motion is GRANTED. The order of dismissal and judgment (dkt. nos. 8, 9), are VACATED.

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The Clerk is directed to reopen the action. The amended complaint will be reviewed in a separate order.

This Order terminates Docket No. 10.

IT IS SO ORDERED.

Dated: May 9, 2017



MARIA-ELENA JAMES
United States Magistrate Judge